

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALEXANDRA IRENE BENSON,

Plaintiff,

No. 3:11-cv-00537-HZ

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

ORDER

Defendant.

HERNANDEZ, District Judge:

Plaintiff Alexandra Benson brought this action seeking review of the Commissioner's final decision to deny her disability insurance benefits and supplemental security income. In a June 18, 2012, Opinion & Order, this Court reversed the Commissioner's decision and remanded the case for further proceedings. Judgment was entered the same day. The additional proceedings resulted in payment of benefits. Pl.'s Mot. Ex. A, ECF 24-1.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant objects to Plaintiff's calculation of the appropriate fee award and Plaintiff amends her Petition for Attorney's Fees in accordance with Defendant's revised calculation. The Court has reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

CONCLUSION

Plaintiff's motion [24] is granted, as amended by Plaintiff's reply brief. The Court awards Plaintiff's counsel \$14,481.25 in attorney's fees under 42 U.S.C. § 406(b). Previously, Plaintiff's counsel received \$5,422.11 in fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney the balance of \$9,059.14, less any applicable processing fees as allowed by statute.

IT IS SO ORDERED.

Dated this 17 day of March, 2017.



MARCO A. HERNÁNDEZ
United States District Judge